G. R. S. IX-5]

Previous references.

Mdsp 85 of 24
Ml 62-24 & 3 & 5
" 13- " " 14 & 16
Sdn 95- " " 1-2

Later references.

Mle 359-16 & 31 2
" 376-18 & 31-24
" 394-15 & 13 116, 117, 124
125, 127, 128, 129 &
130, 133, 134, 139, 140, 141
142, 145, 146, 147, 148 & 149
191-14 & 15 1-326
62-19 " 100 & 103

1925

(Mle)

File No. 29-25

Serial Nos 25, 45, 51 & 71

GENERAL AND REVENUE SECRETARIAT.

Endorsement abt Bgf abt

Serial Nos.

Part B for Nov 26

SUBJECT.

Pension proposals re the Messrs G. Krishna Rao & Ramachandra Setty ochor Sanojas. Mepon. Calf Municipality

---

71 To, The President, Calf Municipal Council, Mepore & the Comptroller

No. L 3127-B/L 12-11-26

Sanctions the grant of full pension to the officials mentioned above.

WD 01284—GPB—40,000—17-12-28

General and Revenue Secretariat | Nil File No. 29 of 1925

Serial No.	
25	From the president city Municipality No. 15/8.A.L.1926 Forwards a copy of the Resolutions of the Municipal Council, relating to the enhancement of the pension granted to Mr. G. Kishnaswamy, late octroi Daroga. 1) The president of the Municipal Council has submitted copies of the resolutions of the Municipal Council dealing with the cases of Messrs Ramachandra Chetty and G. Kishnaswamy, formerly octroi Darogas of the Municipality. 2) As the two cases are ~~not~~ quite different from each other, they are dealt with separately. 3) As regards the Kishnaswami case, it may be stated that the Council resolved on 7.7.1924, that as he was guilty of a very serious irregularity in the discharge of his duty, he be dismissed from service but that a special pension of Rs 20 p.m. be sanctioned to him. 4) This resolution was taken

NOTE—Contn. Sheet

Serial No.

up for reconsideration by the M.C. council through the intervention of 15 members, on 21st November 1925.

5) From the proceedings of the Municipal Council of that date, the following facts are set forth:-

(i) certain further charges against Mr. Krishnarao had been dropped in 1924, on the understanding that the case should not be reopened by any section of the Council and the understanding has not adhered to, by the present Council

(ii) The previous council (1924) had fully discussed the matter and had considered all the arguments and explanations now urged in favour of Mr. Krishnarao; if reference was made to the Audit Reports on the other accounts it would be evident that Mr. Krishnarao had caused much loss to the Municipality the punishment awarded to him had rather lenient than otherwise.

(iii) The decision of the previous council in having retired Mr. Krishnarao had not lacking in deliberation & impartiality

NOTE—Contn. Sheet

General and Revenue Secretariat

vol File No. 29 of 1925

Serial No.

No new facts had come to light to warrant a reconsideration of that decision, which must be maintained as otherwise the work of the Councils and the discipline of the executive Staff would be impaired.

(iv) The most unfavourable inference that could be drawn from the evidence on record was that Sh. Krishnarao was negligent in his duty, in not having discovered Smuggling which however was no easy task.

(v) In view of the long and good services rendered by Sh. Krishnarao, he may be given the full pension (?) he would be entitled to under the Rules.

(vi) Of the 25 members present at the meeting, about 8 left it, and of the remaining 17, 15 voted for the resolution and the remaining two kept neutral

6/ The point for consideration seems to be whether the case to Sh. Krishnarao, resulting under the circumstances, in granting him

NOTE—Contd. Sheet

Serial No.

full pension instead of the pension already granted to him by the Pratinidhi Municipal Council, requires any ~~as~~ notice by the Government.

4) The first point to be considered seems to be whether Rao Krishnarao's case is one of premature retirement or of superannuation. In the absence of any definite information on the former, the latter only is to be presumed. As such the Municipal Council are competent to deal with the case and no approval of the Government is required for it.

5) The second point to be considered is whether the present (reconstituted in 1925) Municipal Council can reopen the question and ~~decide~~ revise the decision therein, passed by the Pratinidhi Council (1924) in the face of the fact that no new evidence was adduced to show that Rao Krishnarao was not guilty so as to entitle him to full pension.

6) Apart from the actual

NOTE—Contn. Sheet

Serial No.

merits of the case, legally, the reconstituted Municipal council can do so. Subject to the provision of the Act Regulation (Vide Section 22 (2)) But morally they do not seem to have been justified in having exercised such a legal right, in the present case.

If there can be no finality in Municipal administration if changes in the personnel of the Council should lead to the reopening of decisions made by after great deliberation by previous councils. Further the action of the present Municipal councillors in taking up the matter of their own accord without even an application from the official concerned, is rather to be deprecated. Besides it would not be good policy to reverse the decision merely on a matter of opinion as to the relative value of different portions of the evidence already fully considered by the previous council.

General and Revenue Secretariat

File No. 29 of 192

Serial No.

1/ the present appeal of the Mr to the Municipal council, is not one of reconsideration by the very council that decided his case, but one of reversal of the orders made by the previous council by the new council. Further it is not a regular appeal preferred by the Official conceived to the Municipal Council as a Body according to the Rules, but only individual representation to 15 members who have collectively taken up the initiative to the very end of the favorable) resolution

2/ Legally the Municipality have a right to reconsider the case, but morally they ought to be guided by certain (constitutional) rules or principles in such matters to keep up the dignity of their office and their firm disciplinary control over the Municipal staff

3/ They seem to have violated this procedure in the present case. This is the only aspect of the case

NOTE—Contn. Sheet

WD 01284—GPB—40,000—17-12-28
App. F. III—2]

General and Revenue Secretariat | File No. 3271 of 1925

Serial No.

requires to be noticed by the
Government
14) Subd for orders.
The President brings
5/3/26 to the notice of the Govt
the resolution in question
as being somewhat out of
the ordinary. The undesirable
-ility of the step taken
has been discussed at length
by the council itself.
2

Please put up the previous reference in the case when the Authority under Section 62 of the Indian Motor Vehicles Act has been delegated to the Police Officers and Public Prosecutors there.
23/1/26

1) File No 62-24-345 and No 13-24-av
+ 16 are Attached + put up.
Their attention is invited to the
Govt's orders at P 4 & in 13-24 of
62-24 regarding delaying bill
here is nothing to demand from
circumstances.
11) The Police has again
brought up to Madras to Govt
on the ground of the hearing
powers are of ordinary.
Subj for obsy. It may be noted that there
have been no such developments to
Sd/- on the facts already reported, on
which the decision to by Mr-
circumstances mentioned in the
letter above.

NOTE—Contn. Sheet

WD 01284—GPB—40,000—17-12-26

General and Revenue Secretariat

File No. 27 8 of 192 .

Serial No

Resolution of the Mysore City-Board Council regarding the retirement of G. Krishnadas, Octroi Daroga on full pension

The Council previously resolved to retire the Official Commissioner on a pension of Rs 100 p.m. on account of certain irregularities in the discharge of his duties. In forwarding the records the President stated that the Official was merely a municipal servant and wanted to know whether the resolution of the Council required the approval of Govt. The Secretary stated that the Case was one for the Municipal Council to deal with under the powers vested in them & Govt have no concern with it. The President was informed accordingly.

The Council have now perused the resolution and have stated that Mr Krishnadas be given the full pension that he would be entitled to under the rules. The President has brought this to the notice of the Council as somewhat out of the ordinary.

The former resolution was passed in March 1926. The present one was in 1926. Under Sect 26(8) of the

NOTE—Contn. Sheet

WD 01361—G&S—40,000—17-
App. F. III—2]

General and Revenue Secretariat | File No. 279 of 1925

Serial No.

Mr. Clegg a resolution cannot be moved only within 3 months. The period is passed in this case. and first Government decided not to interfere in such cases.

22) The papers may perhaps then be filed.

L.H. Clegg 27/9/25

23) It is not clear what pension is proposed to be given and having regard to the period of service rendered.

It is maybe ascertained.

Mr. Clegg 30/9/25.

Under Secy please 30/9/25

Secy Govt 8/10/25.

23/10/25

45 Ref. Post Engrs No. 6664 G 28/4/25 Enquire what pension is proposed to be given now having regard to the period service rendered in

Note—Contn. Sheet

4626

WD 01284—GPB—10,000—17-12-28
App. F. III—2]

General and Revenue Secretariat | File No. | 10 of 192

Serial No	
51	From The Chairman Municipal Council Mysore No. 2676 dt 25.5.26 Furnishes the information called for in 24 & 25 supra. 27 The President States that the Municipal Council have resolved to grant Messrs Q. Krishnaraj and Ramachandra Setty, the full pension due to them, viz, Rs 33-3-0 and Rs 23-12-2 respectively. 28) Submitted with reference to para 25 of the notes. 29) Please see also Note in the Margin File 8/6/26 23/6
1826-28	

NOTE.—Contd. Sheet

WD 01284—GPB—10,000—17-12-25
App. F. III—2

General and Revenue Secretariat | File No. 29 11 of 192

Serial No.

B

A

Z

L

36) These papers relate to a resolution of the Mysore City Municipal Council to the effect that Messrs. G.Krishna Rao and Ramachandra Chetty be given full pension due to them. This case is a peculiar one. The Municipal Council resolved on 7th July 1924 that Mr. Krishna Rao late octroi Daroga is guilty of serious irregularities in the discharge of his duty, that he be dismissed from service and that a pension of Rs.20 per mensem be given to him. Th Municipal Council has resolved on 21st November 1925 that the resolution No.1 dated 7th July 1924 relating to the retirement of Mr. Krishna Rao, late Octroi Daroga be reconsidered and that the said Mr. Krishna Rao be retired on full pension in view of the long service rendered by him to the Municipality. There was acrimonious discussion in the Council regarding the advisability of reconsidering the former decision. The result was that some 8 members left the meeting and the others passed this resolution. When the first resolution was passed, Mr. Mylar Rao, the then President, submitted all the papers for orders of Government with his opinion. The Government after careful consideration came to the conclusion that the case is one for the Municipal Council to deal wi under the powers vested in them. I have recorde my opinion (Vide Flag Z in Ml. File No.62-24) to the effect that Government have no power to inte fere with the management ofmunicipal servants by the Municipal Council. The order of Government was passed in accordance with this opinion. The Municipal Council have now changed their own

NOTE—Contd Sheet

Serial No.

resolution and have granted full pension to Mr. Krishna Rao. Technically the Municipal Council has power to change the resolutions under the Municipal Regulation; but the question that remains to be considered is whether the Municipal Council have acted legally in awarding full pension to Mr. Krishna Rao. The grant of pension to the municipal employees is governed by the same rules as those prescribed for Government employees. Article 333 of Mysore Service Rules is to the following effect:--

(a) The full pension admissible under the rules is not to be given as a matter of course, or unless the service rendered has been really approved.

(b) If the service has not been thoroughly satisfactory, Government will make such reduction in the amount of pension as it thinks proper.

Article 333 has a note also which may be seen

B

5) Acting upon this article, the first resolution was passed to the effect that full pension should not be given in as much as Mr. Krishna Rao was guilty of serious irregularities; in other words, his service has not been satisfactory. The first resolution passed on 7th July 1924 has not been cancelled, in other words, Mr. Krishna Rao who had been found to be guilty of serious irregularities has not been acquitted of this charge by the Municipal Council in their recent resolution, namely of 21st November 1925. Such being the case, the Municipal Council's resolution in giving full pension to its employee who has been found guilty of serious irregularity is not in accordance with Article 333 of the Mysore Service Regulations. This aspect

NOTE—Contg. Sheet

Serial No.

aspect of the case may perhaps be brought to the notice of the Municipal Council.

DEWAN'S OFFICE.
Received on
14 JUL 1926
Reg. No. 28

3/ As regards Mr. Ramachandra Chetty, he has be acquitted of a charge of criminal breach of trust by a court of law and has been proved to be not guilty. The Municipal Council is in order in granting him full pension. No action need be taken in his case.

Dewan

3/ Mr. Ramachandra Chetty, on the grounds related by G. Rama Rao

14.7.26

Chief Sec'y with compliments

15.7.26

NOTE—Contn. Sheet

me 29-25 44

(For Disposal at a Meeting)

No. C. 15

1926

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause xiii of the schedule-)

Pension to Messrs. G. Krishna Rao and Ramachandra Chetty, late Octroi Darogas of the Mysore Municipality.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

16th July 1926.

Chief Secretary to Government.

Extraordinary Member of Council.

First Member of Council.

Second Member of Council.

~~**Third Member of Council.**~~

me 29 of 1915 15

14)

Subject. -

Pension to Messrs. G. Krishna Rao and Ramachandra Chetty, late Darogas of the Mysore Municipality.

...

OPINION OF THE COUNCIL.

34) Secy

The papers may be recorded. The President has merely proposed the resolution for the sake of form.

B
24/7/15

Secy & Sec
with compliments
B
25/7 Sd vs.7

General and Revenue Secretariat

ML File No. of 1925

Serial No

This file relates to the pension to be granted to late Darogas Mr. Krishna Rao and Ramachandra Setty of the Mysore City Municipal Council.

It was ordered in Council that the papers may be recorded as the cases were submitted only for information. (vide para 8)

With reference to this it is submitted that the President of the Council has also asked for sanction of Government re:

(1) Compulsory retirement of Mr. Krishna Rao and

(2) Sanction to the grant of full pensions viz., Rs.33-3-0 and 23-12-0 to these 2 Officials respectively.

Ord. II para 3

(vide para 3 of Ord. II)

The Comptroller is stated to have returned the pension papers of Mr. Krishna Rao for want of sanction of Government for compulsorily retiring him before superannuation.

The Local and Legislative Secretary has already opined that under Article 333 (a) and (b) of the Mysore Service Regulations the 2nd Resolution of the Municipal Council in giving full pension to - - - Mr. Krishna Rao who has been found guilty of serious irregularity is not in accordance with that Article

App. F. III—2]

WD 0568—GPS—10,000—31—24

File No. of 192

General and Revenue Secretariat

Serial No.

Serial No

and that in regard to Mr. Ramachandra Setty he considers that he has been acquitted of the charge of --- criminal breach of trust by a Court of Law and has be proved to be not guilty and that he is entitled to the increa pension now proposed.

(6) Under Article 240 of the Mysore Service Regulations pension may not be granted to an officer whom it is desired to remove for misconduct, insolvency or inefficiency, but in cases when the officers so removed are deserving of special consideration compassionate allowance may be granted provided that the --- llowance granted shall not exceed 2/3rd of the pension which would have been admissible to him if he had been retired on Medical Certificate.

(7) Mr. Krishna Rao must be deemed to have been retired for misconduct and hence is not entitled to full pension.

(8) Under Article 499 of the Mysore Service Regulations, Government may grant an arbitrarily fixed sum rather than any exact proportion of the amount to --- which it might be supposed that the rules afford a -- claim when any special circumstance appears to justify a departure from the rules laid down regarding ordinary' pensions. It does not seem that this rule is intended to be applicable to cases of this kind.

(9) Orders re. compulsory retirement of Mr. Kri Rao seem to be required under Article 381 of Mysore - Service Regulations.

(10) Financial Secretariat, may also be consulted.

Sheet

General and Revenue Secretariat | ml File No. 29 of 1925

Serial No

45 two points are referred to us for financial opinion - (1) whether sanction of Government is necessary for the compulsory retirement of this official, and (2) whether Mr. Krishna Rao who is deemed to have been retired for misconduct, is entitled to full pension.

47 With regard to (1) viz., whether sanction of Govt. is necessary, I am unable to find any particular Article in the M.S.R. requiring such sanction. I consulted also the Pension Section of the Comptroller's Office and they also cannot throw any light in the matter. (Vide the slip) But Heads of Departments have not been authorised to retire officers prior to superannuation under any circumstances, it follows, therefore, that this power is presumed to vest in Govt. In this view the Comptroller's objection is in order. As far as the present case is concerned, the Municipal Council have ordered the retirement and so the question raised is merely of academical interest. The necessary sanction asked for by the Comptroller may therefore be granted.

48 With regard to whether Mr. Krishna Rao should be given full pension, Art.240 of the M.S.R. is not being actually followed strictly in practice (vide case of Mr. Murthi Rao in P.W.D.). The pension given is usually dependent upon the circumstances of each case. With regard to this particular case, there has been much agitation in the Municipal Council and it is perhaps undesirable to further complicate matters by Govt. interfering at this stage. The proposals of the Municipal Council may therefore be

Note— Contn. Sheet

Serial No.

approved.

Jr 517

SECRETARY
24 AUG 1925
No.

Jr 517

19. The municipal council is competent to alter the retirement-code and also to grant the compassionate allowance. But neither the Govt: nor the Director of the pension should have been otherwise addressed.

Lt H Scott)

Submit for orders

L Rees).

1. The papers relate to the retirement of late Diwan Bahadur Krishna Rao of the Travancore Service & the amount of pension that should be granted to him.

2. As regards Rao the latter the Comptroller does not seem to have returned his pension papers. Suggest since he has not been retired for misconduct, the resolution of the municipal Council may be approved.

3. Regarding the pension to be given to Krishna Rao, the Law Secy is of opinion that his pension

Serial No.

should not exceed ⅔rds of the pension which would have otherwise been admissible.

54 This opinion which is based on article 240 of H. S. R., may perhaps be accepted

Dewan. 8.9 24/8/25

DEWAN'S OFFICE. Received on 27. AUG. 1925 Reg. No. 1497.

Minister To be moved I enclose B 3/8/25 Secretary A 4096/419

53 Enclosed a note of our Secretary 1st Member A 3/8/25 Minute 29/8/25

OFFICE OF THE Secretary to Council 4 SEP. 1925 No. 1509

57 I am sorry the legal-financial position is not clear to me. The Govt Secretary has noted that Art 240 of H.S.R. is not being strictly followed. Secondly, as the pension is payable shortly from the local body concerned, they having already made the pension Contribution, is Govt justified legally in retaining off a portion of the pension or sanctioning to the local body; if justified, should Govt not refund to the local body a corresponding portion of the pension Contribution paid? If there was no pension Contribution, why the pension should be a charge on Govt: the position is not quite clear to me. I should be glad if Secretary may please further note after the Secretary notes whether A or B are correct, & then file may then be placed before me for further orders. 6/9/25

A

B

Note.—Centre Sheet

General and Revenue Secretariat | File No. 89 of 1925.

Serial No.

A. As regards the first point raised in the Member's minute, a case (Flagged D) is put up, where the compassionate allowance without the reduction of the 2/3 specified in Article 240 M.S.R. has been sanctioned by Government. In this connection, I beg to invite reference to Articles 498 and 499 M.S.R. and in the exercise of the special powers contained therein, it is open to Government to sanction pensions otherwise than under the rules.

I have received this & referred the records to the Comptr. Office

B. As regards the second point, I presume that Mr. Krishna Rao was a municipal employee, in respect of whom no pensionary contribution was paid by the Municipality to Government. If the Council is competent to ~~sanction~~ compulsory ~~retirement~~ retire this official, the pension admissible requires to be regulated by the provision in the Mysore Service Regulations and in a case of this kind section 240, M.S.R. should apply. Where however pensionary contribution is paid by the Municipality in respect of any official, the retirement of that official cannot be sanctioned by the Municipal Council, and the pension of such official will have to be sanctioned by Government in accordance with the rules applicable to Government officers.

Read these 2 articles with reference to article No 3.

C. The extraordinary powers specified in Articles 498 and 499 M.S.R. can, I think, be exercised only by Government even though the pension is wholly chargeable to the municipal fund. On this point the Legislative Secretary may be able to advise us with better authority.

P. S.

NOTE.—Contn. Sheet

WD 01284—GPB—40,000—12-28
App. F. III—2]

General and Revenue Secretariat

ML File No. 29 of 1926

Serial No.

57 I find from the records in the Comptroller's office that the retirement of Mr. Krishna Rao under ordered by the Municipal Council has not been submitted by the Comptroller and that an objection has been raised asking for the rule or the authority under which the Municipal Council is empowered to retire the applicant before attaining 55 years of age. The President has replied to the Comptroller in his letter of 11 th August 1926 that orders of Government for the compulsory retirement of the official are awaited. In the circumstances, sanction to the retirement has to be accorded by Government, full pension recommended by the Municipal Council may also be allowed in the exercise of the special powers vested in Govt.

L & L Secretary
with compliments

14.9.26.

Two points arise for consideration — 14/9.
one relates to the sanction of Govt to retire a person who has not attained 55 years of age & the other relates to the quantum of pension to be paid by the authority retiring him thereto.

As regards the first point it is clear that the sanction of Govt is required for the retirement of Krishna Rao as proposed by the Council.

Regarding second point, the Municipal Council are to be guided by Art 240 of R. S. Rules in respect of grant of

Norris—Cenun. Shoot

WD 01264—GPB—40,000—17-12-25
[App. F. Vol. II—2

General and Revenue Secretariat | MK File No. 29 of 1925.

Serial No

pension.

3 Under that article, the Council has no power to grant more than $\frac{2}{3}$rds of the pension which would have been admissible to him if he had been retired on medical certificate.

4 The first sect raises an important question viz whether the Council or the Govt have power to grant Special pension not admissible under the rules under articles 498 & 499 M-S-R.

5 Plain reading of these articles shows that, the Govt have power to grant Special pensions under these articles.

6 The Mysore Service Regulation regulates the conduct of municipal Council in respect of grant of pensions to their employees.

7 Unless the Govt have delegated their powers under these articles 498 & 499 to the municipal Council, the latter seem to have no power vested in them to grant Special pensions.

8 In this view of the Case the resolution of the municipal Council to grant Special pension not authorized under art 240 M-S-R is ultra vires.

NOTE—Contn. Sheet

D 01384—GPB—40,000—11-19-25

Serial No

67 The Council of the President has not submitted the case with this opinion for orders of Govt. under Art 498

This is clear from the fact that no application either in Form 7. M.S.C: Vol I or the form given in Article 498 has been accompanied any special recommendation case for the grant of extraordinary pension or gratuity, as required under (B) of Art 498.

Art 499 applies when the formalities mentioned in Art 498 are duly complied with.

In the present case no case has been made out for any indulgence by the stop for making default from the ordinary rules laying down for the grant of extraordinary pension or gratuity.

The position taken up at (A) is therefore correct. As to B', no contribution is paid by municipal council towards the pension to be granted to Karthikeyan.

This has to be borne by the municipality.

I have sufficiently explained the legal aspect of the case regarding the operations of articles 240, 498 & 499 M.S.R.

Member.

The Finance Member's Opinion: The simple rule must be strictly followed. As per the papers may call the tune is also

M.69 24/9

1 — Contr. Sheet

General and Revenue Secretariat

File No. 29 of 1926.

Serial No.

i) Comf... Rehan... of full pension. Matter of this has been adjusted.

[illegible] for this case. We have now to decide whether full pension may be granted or not. If yes, the negligence pointed out by L.L. Shaw may be pointed out to the Council in favour of the pension. If no, this last day no, Straight off, in case of taking them recommend; & then saying no.

ii) In the answer to depend on what policy we shd adopt ie whether we shd sanction one month of the Council after receiving the decision. In person meeting is a matter of this kind, the question may again be discussed in Council, if Dewan approves.

Nov 2 b/f

Dewan.

DEWAN'S OFFICE
Received on
27 SEP. 1926
Reg. No. 2346

27.9

Mr. Wallace to speak to Dewan

I am one [illegible] this Mat. in Bodhan of the Mempe.

Mr
3.10.26

3840 6/10

iii) Submitted for perusal of Dewan's orders

OFFICE OF THE
EXECUTIVE ENGINEER OF CONSERVANCY
9 OCT. 1926
No. 21.29

1st member

iv) I am also in favour of [illegible] (vide 4). 4.10.26

Dewan agree.

[illegible] 9.10.26

2nd Member

v) As the case is [illegible] Council [illegible] Mr. Lee also perhaps [illegible] Dewan [illegible] orders

Mr
6/10/1926

WD 01264—GPB—40,000—12-12-25

[App. F. 1.]

General and Revenue Secretariat

File No. 29 of 1926.

Serial No.

8 Submit draft G.O. in accordance with the above orders of 27.10.26.

Asst. Secy.) 28/10

8 A draft G.O. is put up.

App. 16.10.26

Asst. Secy.) 28/10.

8 A draft G.O. sanctioning the resolutions of the Municipal Council of Mysore in regard to Rao Krishna Rao and Ramachandra Setty is submitted for approval.

8 As Govt. have decided to sanction the resolutions of the Council it is perhaps unnecessary to make any remarks in the order on the irregularities connected with the decisions referred to in the notes above.

GBS 19.1025.

Dewan)

DEWAN'S OFFICE
Received on
20. OCT. 1926
Reg. No. 2057.

Chief Secretary (Sundaram Chetty)

8 The draft G.O. and draft letter of the Municipal Council as suggested by me may issue.

29.10.26

8 A draft Submission note is put up for confirmation - S.

Dewan) offg

GBS 1.11.26.

29

Note—Contn. Sheet

ME29-25 27

Record of Cases submitted for the Order of His Highness the Maharaja.

Subject.

7 Grant of full pension Messrs. Krishna Rao and Ramachandra Setty, late Octroi Darogas, Mysore Ci Municipality.

Order.

7/ KRW 5/11/26

D— 5 11 26

Submitted to His Highness.

These papers relate to the grant of full pension to Messrs. G. Krishna Rao and Ramachandra Setty, late Octroi Darogas of the Mysore City Municipality.

2. On the 7th July 1924, the Municipal Council found Mr. Krishna Rao guilty of serious irregularities in the discharge of his duties and resolved to terminate his services on an arbit pension of Rs.20 per mensem. This was reconsidered at a subsequent meeting held on 21st November 1925 when it was resolved to retire him on full pension i.e., Rs.33-3-0 per month, in view of long service rendered by him.

3. As regards Mr. Ramachandra Setty, the resolution of the Council made on 19th April 1919 to grant him a compassionate pension of Rs.20 per mensem was approved by Government in January 1920. This has also been reconsidered by the Council at the meeting held on 5th December 1925 when it was resolved to grant him full pension admissible under the Rules.

4. In their latest resolutions regarding the former Octroi Darogas, the Municipal Council have gone behind the resolutions passed by their predecessors although there was no additional information to justify such reconsideration. This instability of decision in regard to matters pertaining to discipline is not conducive to efficient Municipal administration. I consider, however, that it is not desirable to overrule the decisions of the Municipal Council on the present occasion. The resolutions may perhaps be approved by Government; but the inadvisability of passing such resolutions in future will be pointed out demi-officially to the President, for bringing it to the notice of the Municipal Council. A draft of a Government Order and letter proposed to be issued in the matter are submitted for the gracio approval of His Highness.

Mirza M. Ismail

ore,
1926.

5634

C13-29

General and Revenue Secretariat.

Pension to Messrs G. Krishna Rao and Ramachandra Chetty, late octroi Darogas of the Mysore Municipality.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of His Highness' orders before / after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Govt.

Through the Secretary to Government.

.....Department.

4746/8/11

FIRST MEMBER OF COUNCIL. 9/11/26

3182/9/11

SECOND MEMBER OF COUNCIL. 9.11.26

~~THIRD MEMBER OF COUNCIL.~~

Mono WD 1190—GPB—500 9-1-23.

10/11

WD 01864—GPB—40,000—17-12-26

General and Revenue Secretariat

Dis. File No. 431/29 of 1926-27

Serial No.	
71	To The President, City Mal. Cl. Madras. " Comptroller to Govt. No. L. 3127-8 dt 12.11.26 Sanctions the recommendation of the President, to the grant of the pension to Messrs. G. Krishna Rao and Ramachandra Setty, late Servitors of the Madras Municipality. To The Chairman, City Mal Cl. Madras No. L. 3128 dt 12/11/26 In forwarding copy of G.O.(71) Observing that there is instability of decision on the part of the Mal. Cl. is not conducive to a good Mal. Ec. administration etc.

3/25/27

36069

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 244/Pen.

Comptroller's Office, Bangalore,
Dated the 10th December 1926.

To
C. Ranganadha Rao Sahib Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Development Department, Bangalore.

Sir,

With reference to Government Order No.L.3127-8/Ml.29-25-71 dated 12th November 1926, authorising the Comptroller to sanction full pension admissible under the Rules to Messrs. Ramachandra Setty and G. Krishna Rao, late Octroi Darogas, Mysore City Municipality, I have the honour to request that the order may kindly be communicated through the Financial Department. (Vide Article 273(d) Mysore Civil Account Code, Volume I.)

I have the honor to be,
Sir,
Your most obedient servant,
V. Narayana Iyengar
For Comptroller

Two copies of the Govt orders are put up for communication of the orders through the Finance Secretariat Superintendent, Financial Branch will comply.

N.B.—Should routine notes be written on small slips, the notes might be copied, or slips pasted on this form.

Vide note of the Secy to Govt stating opinion that full pension may be allowed by Govt in exercise of their spl powers. Govt orders of His Highness regarding full pension in both cases have been issued. May the order be communicated?

G.R.S. III—81

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

No. 1578

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL, MYSORE.

Dated.....2nd January.....192 6.

FROM

N. MADHAVA RAU, ESQUIRE, B.A., B.L.,
President, City Municipal Council,
Mysore.

4517
7 JAN

W 27 — 25 — 25

TO

The Secretary to the Government
of His Highness the Maharaja of Mysore,
Local and Legislative Departments,
Bangalore.

SIR,

I have the honour to enclose herewith copies of the

No.181 dated 5th December 1925. } marginally noted resolu-
No.153 dated 21st November 1925 }

tions of the Municipal Council dealing with the cases of Messrs. Ramachendra Setty and G. Krishna Rao, formerly Octroi Darogas of the Municipality, whose pension had been reduced by way of punishment in Council's Resolution No.28 dated 3rd February 1917 and No.1 dated 7th July 1924 respectively and to whom full pension permissible under the rules, is now restored. As the cases are somewhat out of the ordinary, I am bringing the same to the notice of Government.

I have the honour to be,
Sir,
your most obedient servant,

Chief Officer,
for President (absent from station on leave).

Subd for orders. If approved this will be recorded.

A draft G.O recording is put up

No 181 } Please put up the previous Resolution & please see on the legality & desirability of the action of the Council

32

Proceedings of the 9th (Special) meeting of the City Municipal Council, Mysore held in the New Municipal Office Buildings on Saturday the 21st November 1925 at 8 A.M.

Present.

N.Madhava Rau,Esq., B.A.,B.L., President.

1.Fiyaz Sultan Alli Khan, Esq., Vice-President.
2.K.Shanaketichetty, Esq.,
3.Y.Virupakshiah,Esq.,
4.Khan Bahadur P.Pallonji,Esq.,
5.H.C.Doraiappa, Esq.,B.A.,L.L.B.,
6.C.Madappa,Esq.,
7.S.Srikantashastri,Esq.,
8.K.Narayana Swamy, Esq.,
9.K.Ramanswamy, Esq.,
10.P.S.Ramaswami Iyengar, Esq.,
11.P.Seetaramiah, Esq.,B.A.,B.L.,
12.C.Narasimhaiya,Esq.,B.A.,B.L.,
13.V.K.Madhava Rao, Power, Esq.,
14.Dharmaprakasa D.Basavaiah, Esq.,
15.U.C.Lingaji Rao, Esq.,
16.K.Sataji Rao, Esq.,
17.V.Thiruvengada Mudaliyar, Esq.,
18.K.Venkatakrishniah, Esq.,
19.A.Krishna Rao, B.A.,B.L.,
20.B.Munivenkatappa,Esq.,
21.S.K.Narasimhaiya, Esq.,L.A.,LL.B.,
22.Rev.K.J.Edwards,
23.Purivaksha Narayanaraj Urs,Esq.,
24.T.V.Thammaiah,Esq.,B.A.,

Absent.

1.S.P.Rajagopalachar, Esq.,B.A.,B.L.,
2. Mahomed Said, Esq.,
3. K.P.Bhoriah, Esq.,B.A.,B.L.,
4. Mahomed Ghouse Meer, Esq.,
5. M.O.Thomiah, Esq.,

Venkatakrishnaiah.
.Ramaswamyiengar.
Madappa.
.Srikantacharia
G.Narasimiah.
A.Krishna Rao.
.K.Ranakrishnaiah.
K.Ramaswamy.
P.Basavaraj Urs.
P.Sitharamiah.
V.Thiruvengada Mudaliar
.Narayanaswamy.
.Satyaji Rao.
T.V.Thampiran.
Ahmed Gouse Saeb.

156. Proposition from the marginally noted 25 Councillors:-

(1) "That Resolution No.1 dated 7th June 1924 regarding the retirement of G.Krishna Rao, late Octroi Daroga, be reconsidered."

(2) "That the said G.Krishna Rao be retired on full pension in view of the long service rendered by him to the Municipality."

1. Before commencing the proceedings, the letter received from Mr.G.Krishna Rao, late Octroi Daroga, expressing regret for the language he had used in an excited moment in the notices sent by him in 1924 to the President and Mr.Abdul Aziz Khan, Chief Officer, and another from Mr.Mahomed Sait urging the undesirability of reconsidering Mr.G.Krishna Rao's case once again, were passed on to the Councillors present for perusal.

2. In moving the proposition Mr.B.K.Ramakrishnaiah referred to some discrepancies in the evidence and the unreliability of some of the witnesses examined in the course of the enquiry. He was of opinion that no case had been made out against Mr.G.Krishna Rao, so unconvincedl as to justify the reduction of pension earned by him by his long service.

3. Mr.P.Sitharamiah in seconding the proposition argued to the same effect and pointed that Mr.G.Krishna Rao had served the Municipality for a long time and rendered good

service. The most unfavourable inference that could possibly be drawn from the evidence on record was that Mr.Krishna Rao had been negligent in his duty. And for this the punishment awarded was disproportionate. Mr.Sitaramiah after discussing the evidence in detail stated it as his opinion that the decision against Mr.Krishna Rao had been unduly influenced by hearsay reports regarding his pecuniary circumstances.

4. At this stage Rev.K.S.Edwards asked whether the whole question was going to be reopened or whether the Council would discuss only the question of enhancement of pension.

5. The President said that it was open to the mover of the proposition or to himself to divide it into two parts. As the consideration of the proposition as a whole might be complicated, the mover said he would confine himself to the first part of the proposition. If it was carried, then the second part of the proposition would be considered.

6. Rev.K.S.Edwards said that he was not willing to reopen the case and revise the conclusions already reached regarding Mr.Krishna Rao's responsibility. But if it were only the question of enhancement of pension, he would have no objection to its consideration in view of Mr.G. Krishna Rao's apology (although grudging and belated) in respect of notices issued by him to the President and the Chief Officer.

7. It was then decided to deal with the two parts of the proposition separately. The new

great deliberation. He also deprecated Public Servants Councillors taking up the matter of their own accord without even an application from the official concerned.

11. Mr.M.C.Dasappa also opposed the motion and said that the decision of the previous Council showed no lack of deliberation or impartiality. The then President did not dissent from the decision and the Public Prosecutor to whom the papers were referred had stated that the enquiry had clearly shown Mr.Krishna Rao's fault. No new fact had come to light to warrant a reconsideration of the Council's decision. That decision must be maintained, as otherwise the work of the Council and the discipline of the executive staff would be impaired.

12. Mr.A Krishna Rao in supporting the motion argued the case in all its details. As for the objection that Mr.G.Krishna Rao should have represented his grievances to the Council direct the speaker pointed out that an official, like other constituents might approach individual Councillors for the redress of grievances, as happened in the present case and he saw no impropriety in such procedure. Regarding Mr. Dasappa's remark that executive authority should not be weakened, he remarked that the present Council need not fight shy of interfering in questions of personnel and discipline as the late Council itself had created a precedent by reversing the orders of a previous President in similar circumstances.

13. The speaker reviewed the evidence recorded in the course of the inquiry and argued that

proved and audible portions of the evidence were not inconsistent with the view that Prof. Krishna Rao was insolent or at the worst disrespectful in not having discovered something which however was no easy task.

(v)

16. The circumstances under which Mr.C.Krishna Rao left the service could also be considered. A trusted official of the Municipality with experience and long service, on whom no previous President or Council had cast any blame was suddenly assailed for no mistake of his, found fully on very inadequate, incoherent and superficial evidence and denied the full benefit of his well earned pension for which he had applied a year before. Under provocation and mental anxiety arising from the above circumstances, Mr.C.Krishna Rao had framed the notices in an insulting language for which he now felt sorry.

18. The speaker also pointed out that the previous President as was evident from his letter to Government, was not quite certain Mr.Krishna Rao had been justly punished. And the Public Prosecutor's opinion, asked for after and not before, the decision, could not be taken absolutely accurate.

19. Mr.G.Narasimhaiya also spoke explaining the points urged by the movers of the prosecution.

17. As the discussions were likely to take very time, the Council adjourned for 5 minutes at about 12 O'clock and resumed. The Secretary read out the

seconded a motion for adjournment, on account of the lateness of the hour. The motion was put to vote and lost.

18. Then the undermentioned Councillors left the meeting:-

Messrs.
1.Khan Bhadur F.Pallonji.
2.Dharmaprakasa D.Basumiah.
3.K.Dhanakotichetty.
4.Y.Virupakshiah.
5.U.R.Linnoji Rao.
6.B.Munivenkatappa.
7.M.K.Madhava Rao, Powar.
8.H.J.Dasappa.

19. Rev.J.G.Edwards spoke against the first part of the propositions and said that no new evidence had since been adduced to show that Mr.G.Krishna Rao was not guilty but added that he would be quite prepared to recommend some increase to his pension.

20. Mr.M.Venkatakrishnaiah said that at any rate the benefit of doubt might be given to Mr.G.Krishna Rao and in consideration of the latter's long and good services, justice might be tempered with mercy and the matter viewed in a spirit of Christian charity.

21. In summing up the debate, the President remarked that frequent changes of decision in matters of discipline were specially to be deprecated. As pointed out by Rev.J.G.Edwards all the evidence and arguments now available were before the Council when the original decision was passed and it would not be good policy to reverse the decision merely on a matter of opinion as to the relative value of different portions of the evidence already fully considered.

400

Proceedings of the 11th (Adjourned) meeting of the City Municipal Council, Mysore, held in the New Municipal Office Buildings on Saturday the 8th December 1928 at 8 A.M.

Present.

N. Madhava Rau, Esq., B.A., B.L., President.
1. Tippu Sultan Alli Khan, Esq., Vice-President.
2. K. Dhanaketichetty, Esq.,
3. Khan Bahadur P.Pallenji, Esq.,
4. Mahomed Gouse Peer, Esq.,
5. S.Srikantacharri, Esq.,
6. V.Ramaswami, Esq.,
7. [illegible].Narasimhiah, Esq., B.A., B.L.,
8. P.Seetaramiah, Esq., B.A., B.L.,
9. [illegible].P.Madhava Rao, Bowar Esq.,
10. M.Narayanaswamy, Esq.,
11. Dharmaprakasha [illegible]anuviah, Esq.,
12. B.N.Lingaji Rao, Esq.,
13. M.Setwaji Rao, Esq.,
14. V.Thiruvengada Mudaliyar, Esq.,
15. A.Krishna Rao, Esq., B.A., B.L.,
16. [illegible].Ramakrishniah, Esq., M.A., L.T.,
17. Turuvekere Basavaraj Urs, Esq.,

Absent.

1. S.P.Rajagopalachar, Esq., B.A., B.L.,
2. Mahomed [illegible]it, Esq.,
3. W.P.Bhojiah, Esq., B.A., B.L.,
4. Y. Virupakshiah, Esq.,
5. B.[illegible].Basappa, Esq., B.A., LL.B.,
6. [illegible]adappa, Esq.,
7. P.[illegible]Ramaswami Iyengar, Esq.,
8. M.[illegible].Thamaiah, Esq.,
9. Rev.S.[illegible]Edwards, Esq.,
10. [illegible]univenkatappa, Esq.,
11. M.Venkatakrishniah, Esq.,
12. T.V.Thammiraju, Esq., B.A.,

x x x

181 Proposition from 16 Municipal Councillors regarding the application of Mr.C.Ramachandra Setty, late Octroi Daroga, praying for the grant of enhanced pension.

Resolved (President dissenting) that full pension permissible under the rules for the qualifying service put in by Mr.C.Ramachandra Setty be given from the date of his retirement.

Sd.N.Madhava Rau,
President.

"Copy"

President.

GVN

APP. F. VI. Cl.]

SUBJECT.....

Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the 192

Date of issue 28/4/26

Signed by L. J. K. S.

List of enclosures.....

Copied by.....

Examined by.....

Section ml
File No. 29-25
Serie No. 45
No. L6664

To M..... R.D.O. City Mr. Conrad Meyrick Esq.

Sir,

With reference to your letter No 1574 of 2.1.26 in the matter of granting pensions to the dependants of Ramchandra Libby of Gokhale Road, I am directed to enquire, What pension is proposed to be given to the family, and

I request you to forward proposals in duplicate stating the amount of each pension and whether it is to be given for life or for a limited period, the service put in by them and the amount which is now proposed to be granted.

Yours faithfully,

Secretary.

WD 0562—GPS—31,000—17-8-25

50558

No. 2674 — Exam 3

OFFICE OF THE PRESIDENT,
CITY MUNICIPAL COUNCIL, MYSORE.

Dated 25th May 1926.

FROM

N. MADHAVA RAU, ESQUIRE, B.A., B.L.,
President, City Municipal Council,
Mysore.

REVENUE DEPARTMENT 6462 29 MAY 1926

7 MAY 1926

The Secretary to the Government of
H.H. the Maharaja of Mysore,
Local and Legislative Departments,
B a n g a l o r e.

SIR,

With reference to your letter No.L.6664/Ml.29-25-45 dated 28th April 1926 regarding revised pensions to Messrs. G.Krishna Rao and Ramachandra Setty, late Octroi Darogas of this Municipality, I have the honour to state that the Municipal Council have resolved at their meetings held on 21st November and 5th December 1925 that full pension admissible under the rules might be given to the above retired officials. The pension admissible to each of them works out at Rs.33-3-0 and Rs.23-12-2 respectively. In the case of the former the pension papers were forwarded to the Comptroller who has returned them on the ground that specific sanction of Government is necessary for the compulsory retirement before superannuation of Mr.G.Krishna Rao. The latter however, has been receiving pension of Rs.20 since the date of his retirement.

Information regarding the actual amount due and that proposed to be given is embodied in the enclosed statement.

I request that you will kindly obtain early sanction of Government to the Council's Resolution(copy of which is enclosed) re: the compulsory retirement of Mr.G.Krishna Rao and also to the full pensions proposed to be given under the rules to the above retired officials.

I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT.

43

Statement showing the actual amount due and that proposed to be given to Messrs. G.Krishna Rao and Ramachandra setty.

Name	Amount of pension due	Amount proposed to be given.
	Rs As Ps	Rs. As Ps
Mr.G.Krishna Rao	33 3 0	33 3 0
Ramachandra Setty.	23 12 2	23 12 2

President.

GVE

44

MYSORE CITY MUNICIPALITY.

No. 414
Encl:1

PRESIDENT'S OFFICE,

Dated 23rd September *1926*
24/9

Dear Mr. Nagappa,

I am sending herewith copy of a petition received from Mr.G.Krishna Rao, late Octroi Daroga of this Municipality, regarding his pension. The reference made to you on this subject viz., letter No.2674 dated 25th May 1926 has not been disposed of although reminders were sent on 194 2-8-1926 and 345 9-9-1926 The petitioner saw the Dewan when he came here last month and I gathered from the Dewan's remarks that this was not a matter in which the Government could interfere with the discretion of the Municipal Council. Perhaps the matter does not require Government sanction at all but as the Comptroller insisted on it, I had to send the papers to you in order to obtain it.

I trust you will kindly have orders issued without delay.

I am sending a copy of this letter to the Private Secretary to the Dewan, so that in case I should have by any chance misunderstood the Dewan's intentions he might advise you.

Yours sincerely,

M. Subba Rau

To

B.Nagappa, Esq., Bar-at-law.,
Secretary to the Government
of His Highness the Maharaja of Mysore.
Local and Legislative Departments,
Bangalore.

45

To

The President,

City Municipal Council,

Mysore.

Sir,

I beg to state that although the Municipal Council have sanctioned full pension to me last year, it has not as yet been given effect to. As I am put to much inconvenience owing to non-receipt of my pension in these hard days. I pray that you will kindly cause the amount paid to me early.

I beg to remain,

Sir,

your most obedient servant,

21st Sept: 1926. Sd/-G.Krishna Rao.

"Copy"

M Madhava Rao

President.

PROCEEDINGS OF THE GOVERNMENT OF

HIS HIGHNESS THE MAHARAJA OF MYSORE.

****

READ:-

Letter No.1578 dated 2/4th January 1926 from the President, Mysore City Municipality, forwarding for the information of Government copies of the resolutions passed by the Municipal Council on 5th May 1925 and 21st November 1925 dealing with the cases of Messrs. Ramachandra Setty and G. Krishna Rao, formerly Octroi Darogas of the Municipality.

ORDER NO. L 3127-8 Md29-25-71

Dated 12th Nov 1926.

The Municipal Council resolved on 7th July 1924 that as Mr. Krishna Rao, late Octroi Daroga, was guilty of serious irregularities in the discharge of his duties, he be dismissed from service but that a special pension of [illegible] per mensem be sanctioned to him. The Council reconsidered this resolution at a subsequent meeting held on 21st November 1925 and resolved that in view of the long services rendered by Mr. Krishna Rao to the Municipality, he may be compulsorily retired on full pension.

In regard to Mr. Ramachandra Setty, Octroi Daroga, the Municipal Council resolved on 19th April 1919 to grant him a compassionate pension of Rs.20/- per mensem and this was approved in Government Order No.R.7340-1/Ml.175-14 dated 3rd January 1920.

47

At a meeting held on 5th May 1925, the Municipal Council decided to reconsider his case and have resolved that full pension admissible under the rules be granted to Mr. Ramachandra Setty also.

Government do not desire on the present occasion to interfere with the liberty of the Municipal Council to reconsider and revise its decisions, and accordingly authorise the Comptroller to admit pension to the officials in question, in accordance with the latest resolutions of the Municipal Council.

Secretary to Government,
Development Department.

To

The President, City Municipal Council,
MYSORE.
Comptroller to Government.

L 3128 Encl 2, 12/11/1926

To

The President,
City Municipal Council, Mysore.

Sir,

In forwarding herewith G.O. No L 3127-8 Ml 29-25-7 dated 12th Nov 1926 in the matter of granting pensions to Messrs. G. Krishna-Rao and Ramachandra Setty, late Octroi Darogas of the Mysore Municipality, Government are constrained to observe that such instability of decision on the part of the Municipal Council is not conducive to good Municipal Administration. They trust that the Council will agree that it is neither desirable nor expedient to revise, except for very strong and cogent reasons, decisions arrived at by a former Council, more especially in cases like the present where disciplinary action had been taken.

Yours faithfully,
~~I have etc.,~~

Dy 1.11.26
Secy to Govt.
Dept ~~Deptts.~~